

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, DECEMBER 22 19 87

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING December 22 A.D., 19 87,
IN Regular SESSION. PRESIDENT Mark E. GiaQuinta
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE FOLLOWING
MEMBERS _____ VIZ:

BRADBURY P, BURNS P, EISBART _____,
GiaQUINTA P, HENRY P, REDD P,
SCHMIDT P, STIER P, TALARICO P,

ABSENT: _____

COUNCILMAN: _____, _____, _____,

THE INVOCATION WAS GIVEN BY _____

THE MINUTES OF THE LAST REGULAR December 8, 19 87,
_____, 19 _____,

SPECIAL _____, 19 _____,

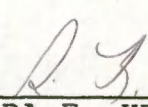
SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED
AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 22nd day of December, 19⁸⁷, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 23rd day of December, 19⁸⁷,



SANDRA E. KENNEDY, CITY CLERK



The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development & Planning

1 December 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-11-19

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
1st day of December 1987.

Robert Hutner
Secretary

FACT SHEET

Z-87-11-19

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment
From R-3 to B-1-B

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

1215 California Road

Reason for Project

School Gymnastics

Discussion (Including relationship to other Council actions)16 November 1987 - Public Hearing

Al Zacher, representing the petitioners stated that this land was part of a 75 acre parcel that was started to be developed around 1968. He stated that it began with University Park Medical Clinic Corp., on the north and followed by several other medical buildings in the area and a nursing home, now a savings and loan association and going south apartments were built and then a restaurant and shopping center, which covers the entire area facing both Clinton and Parnell. He stated that they are addressing the rezoning of about half of a three acre parcel along California Road. He stated that the property is bounded on the north by the apartments, on the west by a shopping center and the Red Cross to the south. Mr. Zacher stated that the usage proposed for the property is a Gymnastics School that would also teach aerobics and dance lessons. He stated that the school is now being conducted at Trinity Episcopal Church. He showed a sketch of the proposed structure and stated that it represented more an office type appearance. He stated that they regret the fact that they require

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

UPD Inc / Jim Poinsette

City Department

Other

Opponents**Groups or Individuals****Basis of Opposition****Staff
Recommendation**☐ For☒ Against**Reason Against**

-approval would have adverse impact on area

-approval would make it difficult to deny other

**Board or
Commission
Recommendation****By request**☐ For☒ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

a zoning as dense as B-1-B. He stated that unfortunately a school of this category must go into a B1B zone unless it is accredited in some fashion. He stated that both the owners and the purchasers would be willing to place a restrictive covenant on the land, but he was of the understanding that was no longer in keeping with the policy of the Commission, however, that would be available if requested. He stated the purchasers have no interest in any of the other activities allowed in a B1B other than the school. He stated the developers have acknowledged a need for screening to the north. He stated that they would have approximately 30 students in attendance at one time. He stated that with the shallow depth of the land it would not be conducive to multi-family use.

John Shoaff questioned if the plan presented to the Commission implied future expansion of the school and not a change of use.

Mr. Zacher stated it would be expansion of the school.

John Shoaff questioned if they expanded if there would be adequate parking.

Mr. Zacher stated there would be.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

23 November 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation. Motion carried.

Of the nine (9) members present 8 voted in favor of the motion one (1) did not vote.

NOTE: The petitioner has requested that this request be WITHDRAWN. The letter of Withdrawal is attached.

Project Start

Date 21 October 1987

Projected Completion or Occupancy

Date 1 December 1987

Fact Sheet Prepared by

Date 1 December 1987

Patricia Biancaniello

Reviewed by

Date December 9, 1987

Reference or Case Number

RECEIVED NOV 30 1987

THE
Zacher
COMPANY

Suite 1107
Anthony Wayne Bldg.
Fort Wayne, Indiana 46802
(219) 422-8474

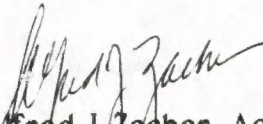
November 25, 1987

City Plan Commission
City County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen:

UPD, Inc., owners, and James A. Poinatte, petitioner of the property as described in the attached exhibit and located on California Road respectfully request a withdrawal of the application for zoning of said parcel from R-3 to B-1-B.

Sincerely,


Alfred J. Zacher, Agent
UPD, Inc.

AJZ/ms

INDUSTRIAL
COMMERCIAL
INVESTMENT
DEVELOPMENT

Member:
National Association of Realtors

Individual Member:
Society of Industrial Realtors

Hartzog Construction, agent for James A. Poinsett, requests a change of zone from R-3 to B-1-B.

Location: 1215 California Road

Legal: See file

Land Area: Approximately 1.49 Acres

Zoning: R-3

Surroundings:	North	R-3	Multi-family residential
	South	R-1/R-3	Fire station/Red Cross offices
	East	R-3	Residential
	West	B-1-B	Commercial (strip center)

Reason for Request: School for Gymnastics

Neighborhood Assoc.: None

Neighborhood Plan: No Comment

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning proposals should be compatible with existing and planned land uses, and should not establish an undesirable precedent in the area. The goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhood.

Landscape: No Comment Received

Planning Staff Discussion:

The only commercial use near this property is to its west with access to Parnell Avenue. To its north is apartment development, to its east the St. Joe River and beyond it IPFW Campus and to the south some public and quasi-public uses; Red Cross and Fire Station. We feel that R-3 zoning is appropriate to allow multiples at this location due to its proximity to the University Campus and multi-use development to the west.

We also feel that California is a street of a residential nature and should be treated as such and no commercial development should be allowed beyond what is already existing along Parnell.

Recommendation: DO NOT PASS

1. Approval would make it difficult to deny similar requests to

the east.

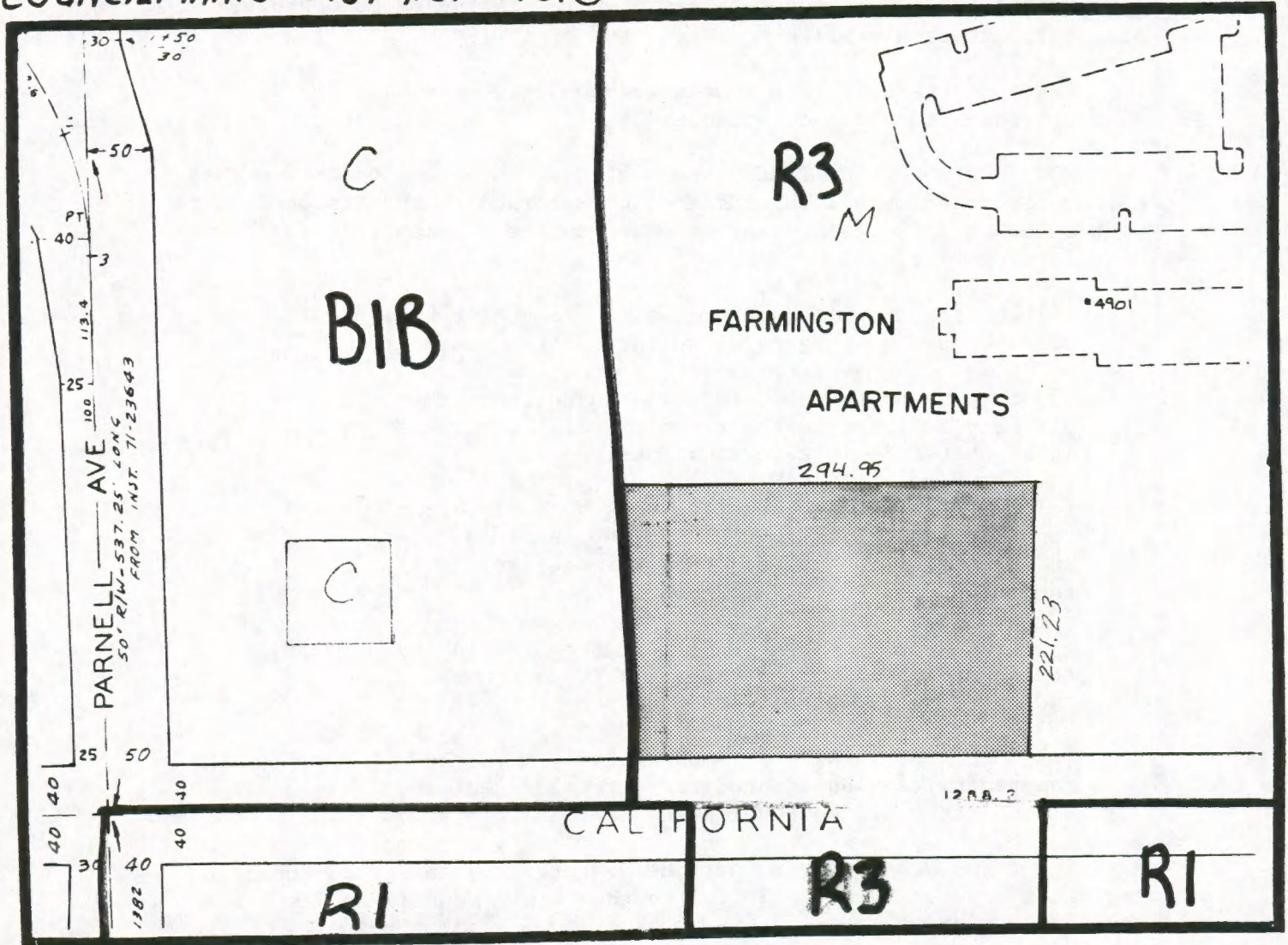
2. Approval would adversely impact existing residential area.
3. This is an appropriate location for multiple residential development.

REZONING PETITION #315

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R3 DISTRICT TO A B1B DISTRICT.

MAP NO. 0-30

COUNCILMANIC DISTRICT NO. 3



ZONING:

R3 RESIDENTIAL DISTRICT
R1 RESIDENTIAL DISTRICT
B1B LIMITED BUSINESS B

LAND USE:

[C] COMMERCIAL
[M] MULTI-FAMILY

SCALE: 1" = 100'

DATE: 11-1-87



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 24, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-11-19; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 16, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

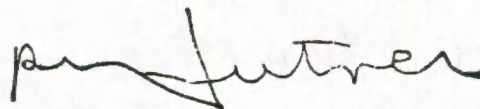
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 23, 1987.

Certified and signed this
1st day of December 1987.



Robert Hutner
Secretary



The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development & Planning

1 December 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-11-17

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
1st day of December 1987.

A handwritten signature in dark ink, appearing to read "Robert Hutner", is written over a horizontal line.

Robert Hutner
Secretary

FACT SHEET

Z-87-11-17

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From R-3 to M-2

DETAILS**Specific Location and/or Address**

918 Herman Street

Reason for Project

Future storage and office use.

Discussion (Including relationship to other Council actions)16 November 1987 - Public Hearing

William Swift, attorney for the petitioners, stated that they had also submitted a development plan because this property is in the Rivergreenway Overlay District. He stated that there is a fence erected on the common property to the west, which prevents them from doing any landscaping. He stated that this property is occupied by Kaiser Tool Company, which is a manufacturer of very small tools. He stated that there is very little activity in the plant; no noise generated, no outside storage, no smoke. He stated it is a very well maintained facility. He stated that Mr. Kaiser presently uses the property in question for his office and for research. He stated that he may want to in the future use the property for storage and office space.

Gerry Deal, President of the Hamilton Association stated that they have no objection to the request providing that the petitioners abide by the Comprehensive Plan for the area and the recommendations of the Plan Commission and that they continue

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**William & Hazel Kaiser
City Department

Other

Opponents**Groups or Individuals****Basis of Opposition****Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

to maintain the neat and clean appearance of the area and not to extend out further into the residential area. She stated that the Kaiser's have been very good neighbors and they endorse their request.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

23 November 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the nine member present 8 voted in favor of the motion one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 26 August 1987

Projected Completion or Occupancy

Date 1 December 1987

Fact Sheet Prepared by

Date 1 December 1987

Patricia Biancaniello

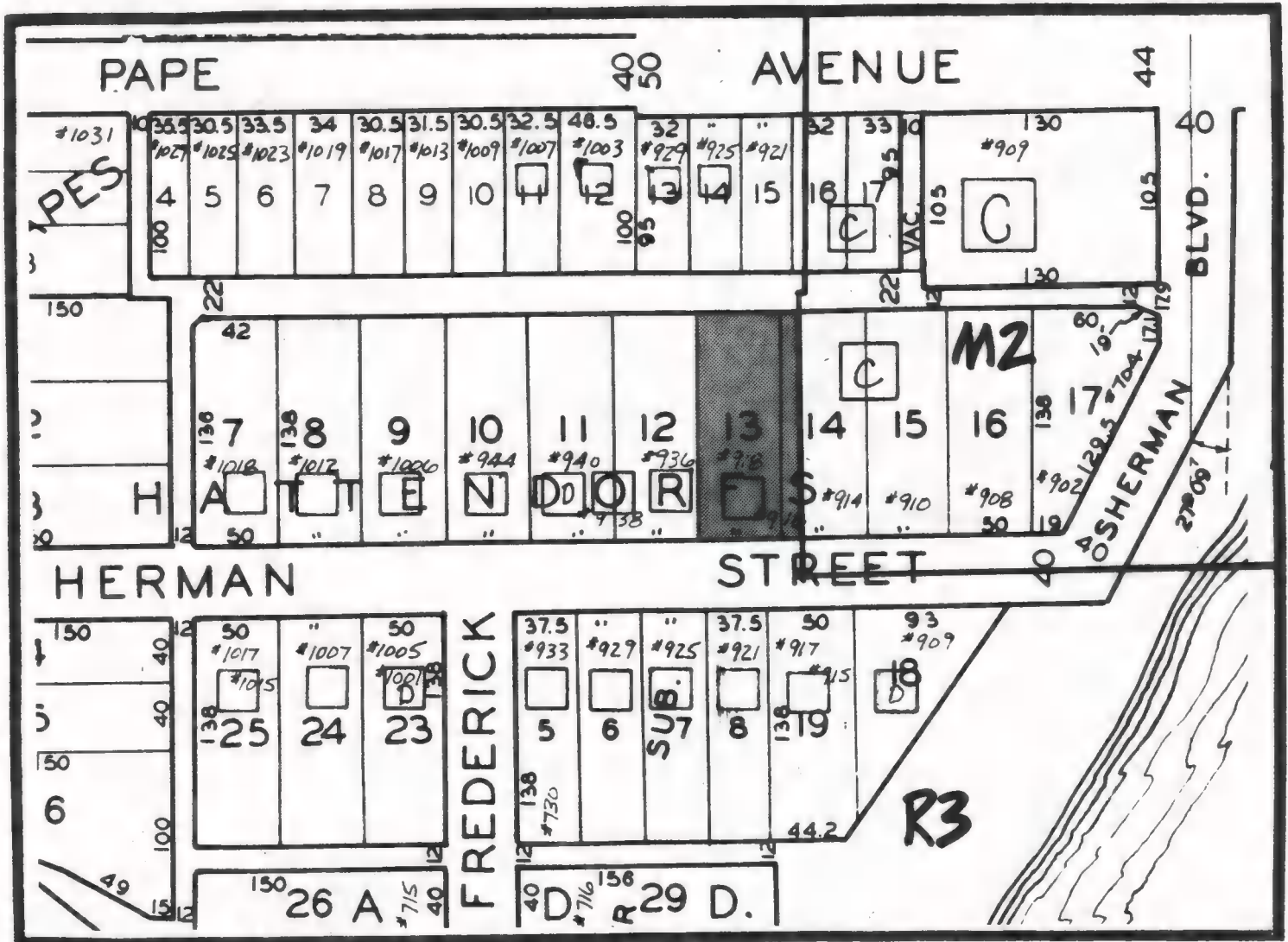
Reviewed by

Date *December 10, 1987*

Gary Baer
Reference or Case Number

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R-3 DISTRICT TO A M-2 DISTRICT.

COUNCILMANIC DISTRICT NO. 4



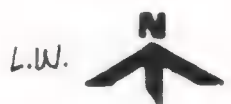
LAND USE:

☐ SINGLE FAMILY

☒ **DUPLEX**

☒ COMMERCIAL

DATE: 10-2-87



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 24, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-11-17; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 16, 1987.

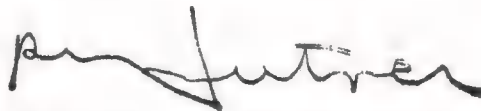
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 23, 1987.

Certified and signed this
1st day of December 1987.



Robert Hutner
Secretary

William Swift, attorney for William and Hazel Kaiser, request a change of zone from R-3 to M-2, and River Greenway Overlay District Approval.

Location: 918 Herman Street

Legal: Lot 13 and the W 20' of Lot 14 Hattendorf's Add.

Land Area: Approximately 0.15 Acres

Zoning: R-3

Surroundings:	North	R-3 / M-2	Residential/Industrial
	South	R-3	Residential
	East	M-2	Industrial
	West	R-3	Residential

Reason for Request: Potential storage

Neighborhood Assoc.: Hamilton Association for Neighborhood Development.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land use and should not establish an undesirable precedent in the area to be developed. The three main goals for the Central Area, where this request is located, are: 1) to maintain existing development; 2) to halt deterioration and 3) to encourage reinvestment.

Neighborhood Plan: This area is identified in the 1982-1984 Community Development and Housing Plan. The relevant land use recommendation in the NSA plan is to prevent incompatible land use activities from encroaching on the single family character of the neighborhood.

Landscape: No Comment

Planning Staff Discussion:

This property abuts an existing M-2 area to the east, but is surrounded by R-3 properties on its other sides. In 1983 this property was granted two variances, one allowing an office use,

and the other dealing with floodway fringe elevations.

While we do not encourage the extension of commercial or industrial zoning into residential areas, there are exceptions. This site is presently one of the most attractive and well maintained parcels in the immediate area. The entire site is surrounded by a chain link fence, and encompasses a grassy area that is an attractive addition to the neighborhood.

We believe that this petition addresses the three main goals of the Comprehensive Plan for this area. The structure is already there, it is well cared for, and would appear that approval of this petition would encourage re-investment. It should also be pointed out that as this area is designated as floodway fringe, the potential for growth will be severely limited. In fact, it may be more appropriate to encourage non-residential uses in these area, while discouraging new structures.

Finally, this site is also designated as being within the River Greenway Overlay District. Changes of use must therefore be approved by the Plan Commission. The petitioners attorney has been advised of this, and deferred this petition for 30 days to allow that issue to be addressed. The site plan will be reviewed at the November business meeting of the Plan Commission. We would recommend approval under the River Greenway Overlay District provisions. The building is an existing structure, and is well maintained. The neighborhood association is in support of the petition, and we do not see any adverse effects of approval.

Recommendation: Do Pass

- 1) Approval will comply with the premise of the Comprehensive Plan for this area of the City.
- 2) Approval will encourage reinvestment in existing structures, and properties without encouraging new development.
- 3) Approval would be in keeping with the existing character and conditions on the area.



The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development & Planning

1 December 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-11-18

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
1st day of December 1987.

Robert Hutner
Secretary

FACT SHEET

Z-87-11-18

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From R/2 & R/3 to R-1

DETAILS**Specific Location and/or Address**

331 thru 457 Nussbaum;
318 thru 472 Elizabeth Street;
443 thru 449 Ruth Street

Reason for Project

Downzoning

Discussion (Including relationship to other Council actions)16 November 1987 - Public Hearing

Tom Pearson, President of the Spy Run Neighborhood Association stated that this was the third and final section of the neighborhood that they are planning to rezone to R-1. He stated this is being done in an effort to preserve the residential housing and single family nature of the neighborhood. He stated that this area has 86% single family usage now with 14% duplex and no multi-family. He stated it is presently strongly single family residential in character. He stated that they had 81% of the property owners signing in favor of the zoning change.

Anita Pearson, Secretary of the Spy Run Neighborhood Association stated that of the 8 duplexes in the area only 3 of those property owners did not sign. She further stated that she could not find one of the three people who did not sign.

Mary Scribner, a resident of Nussbaam Avenue stated that she would appreciate it if the Commission would downzone the area.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Spy Run Neighborhood Assn
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

23 November 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.

Of the nine (9) members present 8 voted in favor of the motion one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 23 October 1987

Projected Completion or Occupancy

Date 1 December 1987

Fact Sheet Prepared by

Patricia Biancaniello

Date 1 December 1987

Reviewed by

Darryl Bault
Reference or Case Number

Date

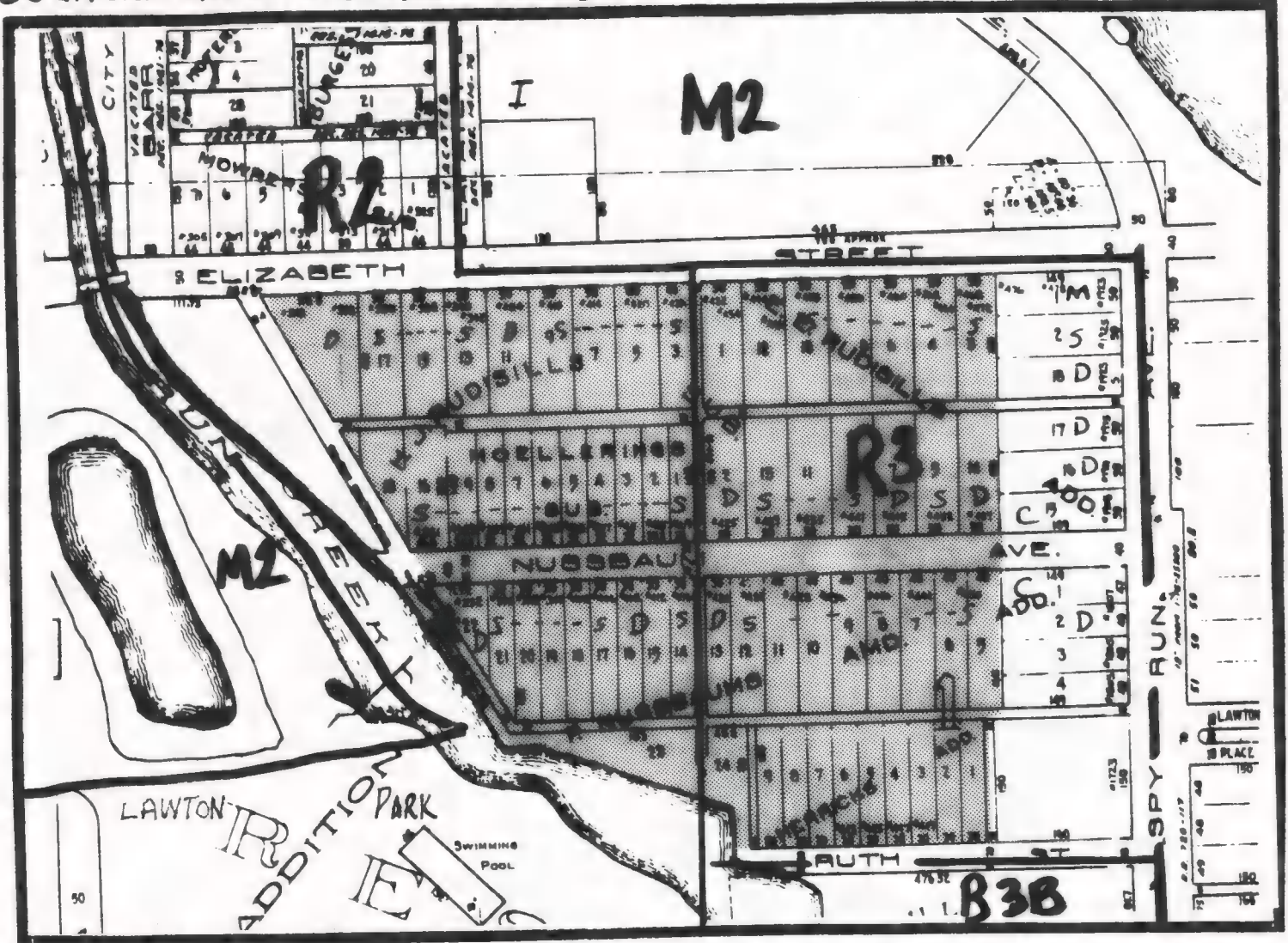
December 10, 1987

REZONING PETITION #317

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R2/R3 DISTRICT TO AN R1 DISTRICT

MAP NO. M-14

COUNCILMANIC DISTRICT NO.3



ZONING:

LAND USE:

R2 RESIDENTIAL DISTRICT
M2 GENERAL INDUSTRY
B3B GENERAL BUSINESS 'B'

S SINGLE FAMILY
D DUPLEX
C COMMERCIAL
I INDUSTRIAL

SCALE: 1"=250'

DATE: 11-1-87



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

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WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 16, 1987.

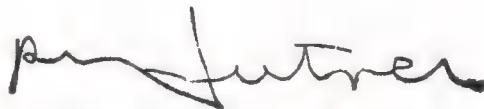
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

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Certified and signed this
1st day of December 1987.



Robert Hutner
Secretary

Tom Pearson, agent for the Spy Run Neighborhood Association, requests a change of zone from R-2 and R-3 to R-1.

Location: Elizabeth Street / south side (318 - 472)
Nussbaum Street / 331 - 457 (both sides)
Ruth Street / 443 - 449 (north side)

Legal: See file

Land Area: Approximately 10 Acres

Zoning: R-2 and R-3

Surroundings:	North	M-2	Commercial
	South	B-3-B	Rudisill School
	East	R3	Commercial & Residential
	West	R-2	River

Reason for Request: Downzoning

Neighborhood Assoc.: Spy Run Neighborhood Association

Neighborhood Plan: No Comment.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning proposals should be compatible with existing and planned land uses, and should not establish an undesirable precedent in the area. The three main goals in the Central Area, where this request is located, are: 1) to maintain existing development; 2) to halt deterioration and 3) to encourage re-investment. This request should protect residential character of the area, maintain density and avoid more congested conditions.

Landscape: No Comment Received

Planning Staff Discussion:

This neighborhood association is requesting a general downzoning of properties as indicated on the accompanying graphic. There has been a recent resurgence of neighborhood identity and resolution regarding their residential integrity and re-investment issues. Downzoning of these properties would assist in the unification of the area, and should preserve the integrity and beauty of the neighborhood.

We feel that this association should be commended on the effort that they have put forth on this and similar issues, and should be assisted in achieving their goals. They have recently

downzoned properties to the east of this site, and are well on the way to establishing a well defined, articulate neighborhood association that is interested in maintaining existing development and encouraging re-investment in the existing housing stock.

Recommendation: Do Pass

- 1) Approval will not adversely impact the immediate area.
- 2) Approval will assist in solidifying the residential integrity of this area of the City.
- 3) Approval will encourage re-investment in the existing housing stock and promote improvements in the value of neighborhoods voice in government.



The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

11 December 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

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City of Fort Wayne
City-County Building
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Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-09-30

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
11th day of December 1987.

Robert Hutner
Secretary

FACT SHEET

Z-87-09-30

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From B-1-B to B-3-B

DETAILS**Specific Location and/or Address**

2928 Wayne Trace and block bounded by Wayne Trace, Turpie, Manford and Evans Street

Reason for Project

Used Auto Sales

Discussion (Including relationship to other Council actions)

21 September 1987 - Public Hearing

Mr. Richard Chilcote, stated that part of the petitioned area is presently being used for a Used Car Sales lot, and stated that they were not aware that they were not properly zoned. He further stated that in a previous petition the Commission recommended rezoning only the front half of the properties, and felt that would be acceptable. He stated he had spoken with most of the Councilmembers and they were in favor of the request.

Janet Bradbury questioned whether or not he was aware of the recommendation of a landscape buffer, and if that would present any problems for the petitioners.

There was some discussion on how a landscape buffer would/could be implemented. It was suggested that the petitioners might meet with staff to discuss any possible perfections of the rezoning, and the landscape buffering requirements.

There was no one else present who wished to speak in favor of or in opposition to the

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)
Richard Chilcote

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**

☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☐ For ☐ Against
☐ No Action Taken

☒ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

proposed rezoning.

28 September 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation with the following conditions:

- 1) Perfect the petition to include lots 11 thru 15 and the east half of Lot 75 (using the logical extension of the west property line of lots 11 thru 15), and lots 64 & 65.
- 2) Provide a corrected legal description.
- 3) A landscape screen, to be approved by the CD&P Landscape Architect should be installed along the west property lines of lot 11, extending to the south property line of lot 16, along the west lot line of lot 75, and along the west property line of lots 64 & 65 except for the existing ingress/egress point.
- 4) The owner of lot 16 should apply to the Board of Zoning Appeals for a variance to allow the use of the property as a parking lot.

Of the nine members present eight (8) voted in favor of the motion one (1) did not vote. Motion carried.

On October 7, 1987 the Commission staff received a letter from Mr. Chilcote stating that the property owners of Lots 11, 12, 13, & 14 of Gandy's Addition did not want to meet the conditions of

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Commission and were requesting that these lots be withdrawn from the request.

The ordinance was returned to the Commission at the November 23rd Business Meeting. At that time the Commission made a motion to accept the withdrawal of the Lots from the petition. Motion carried.

Project Start

Date 27 July 1987

Projected Completion or Occupancy

Date 11 December 1987

Fact Sheet Prepared by

Date 11 December 1987

Patricia Biancaniello

Reviewed by

Date

12 December 1987

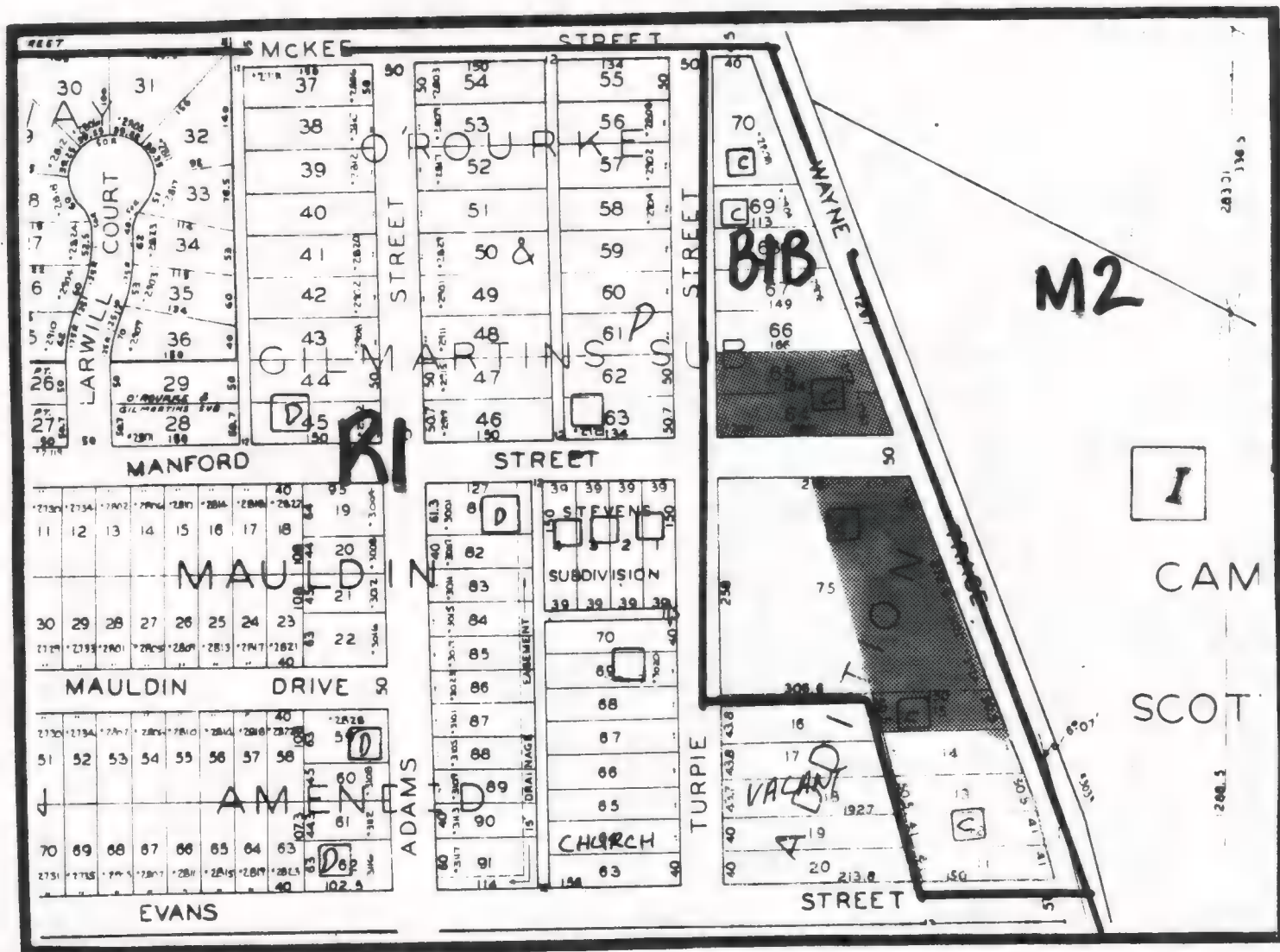
Reference or Case Number

REZONING PETITION #300

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B-1-B AND AN-R1 TO A B-3-B DISTRICT.

MAP NO. Q-7

COUNCILMANIC DISTRICT NO. 6



ZONING:

RI RESIDENTIAL DISTRICT
BIB LIMITED BUSINESS 'B'
M2 GENERAL INDUSTRY

LAND USE:

- ☐ SINGLE FAMILY
- ☒ DUPLEX
- ☒ COMMERCIAL
- ☒ PUBLIC-PARK
- ☒ INDUSTRIAL

AS AMENDED

SCALE: 1"=200'

DATE: 8-28-87



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 22, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-09-30; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 21, 1987.

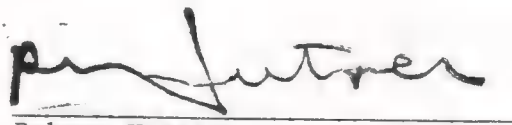
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 23 November 1987.

Certified and signed this
11th day of December 1987.



Robert Hutner
Secretary

Richard Chilcote, Sr. requests a change of zone from R-1 & B-1-B to B-3-B.

Location: West side of Wayne Trace between Manford and Evans, and 2928 Wayne Trace.

Legal: See file

Land Area: Approximately 4.27 Acres

Zoning: B-1-B and R-1

Surroundings:	North	B-1-B	Commercial
	South	R1/B-1-B	Residential / Commercial
	East	M-2	Industrial
	West	R-1	Residential

Reason for Request: Not stated.

Neighborhood Assoc.:

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezonings and development plans should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods.

Landscape: Require heavy landscape buffer between new B-3-B district and the existing R-1.

Neighborhood Plan: No Comment.

Planning Staff Discussion:

This area along Wayne Trace is currently zoned B-1-B and serves as a buffer to the existing residential uses to the west. This area of strip commercial development cushions the impact of the industrial uses to the east.

While approval of this petition would not create new areas of commercial development, it does set a precedent in that it would allow less restrictive uses. These additional uses could have an adverse impact on the residential areas to the west, and lead to eventual deterioration of the general area.

The current zoning pattern allows this side of Wayne Trace to

have "limited business" uses, and such designation serves as a limited buffer of the residential areas, preventing more intense uses to encroach to the west.

Recommendation: Perfect the petition to include lots 11 thru 15 and the east half of lot 75 (using the logical extension of the west property line of lots 11 thru 15), and lots 64 and 65, and Conditionally Approve, contingent upon the petitioner satisfying the following:

- 1) Provide a corrected legal description.
- 2) A landscape screen, to be approved by the C.D. & P. Landscape Architect should be installed along the west lines of lot 11, extending to the south property line of lot 16, along the west lot line of lot 75, and along the west property line of lots 64 and 65 except for the existing ingress/egress point.
- 3) The owner of lot 16 should apply to the Board of Zoning Appeals for a variance to allow the use of this property as a parking lot.



The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

1 December 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one
(1) ordinance concerning the naming of a street.

The proposed ordinance is designated as:

BILL NO. S-87-10-34

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
1st day of December 1987.

Robert Hutner
Secretary

FACT SHEET

S-87-10-34

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Special Ordinance

DETAILS**Specific Location and/or Address**

Un-named public right-of-way between
Stinson and Castle, east of LaMar.

Reason for Project

Designating an un-named public right-of-way
"Sitko Drive".

Discussion (Including relationship to other Council actions)16 November 1987 - Public Hearing

There was no one present who wished to
speak in favor of or in opposition to
the proposed street naming.

NOTE: This ordinance was referred to
City Council at the request of City
Councilman Jimmy Stier.

23 November 1987 - Business Meeting

Motion was made to return the ordinance
to the Common Council with a DO PASS
recommendation. Motion carried.

of the nine (9) members present eight (8)
voted in favor of the motion one (1) did
not vote.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Councilman Jimmy Stier
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other☐ Pass (as
amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

POLICY / PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 16 November 1987

Projected Completion or Occupancy

Date 1 December 1987

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

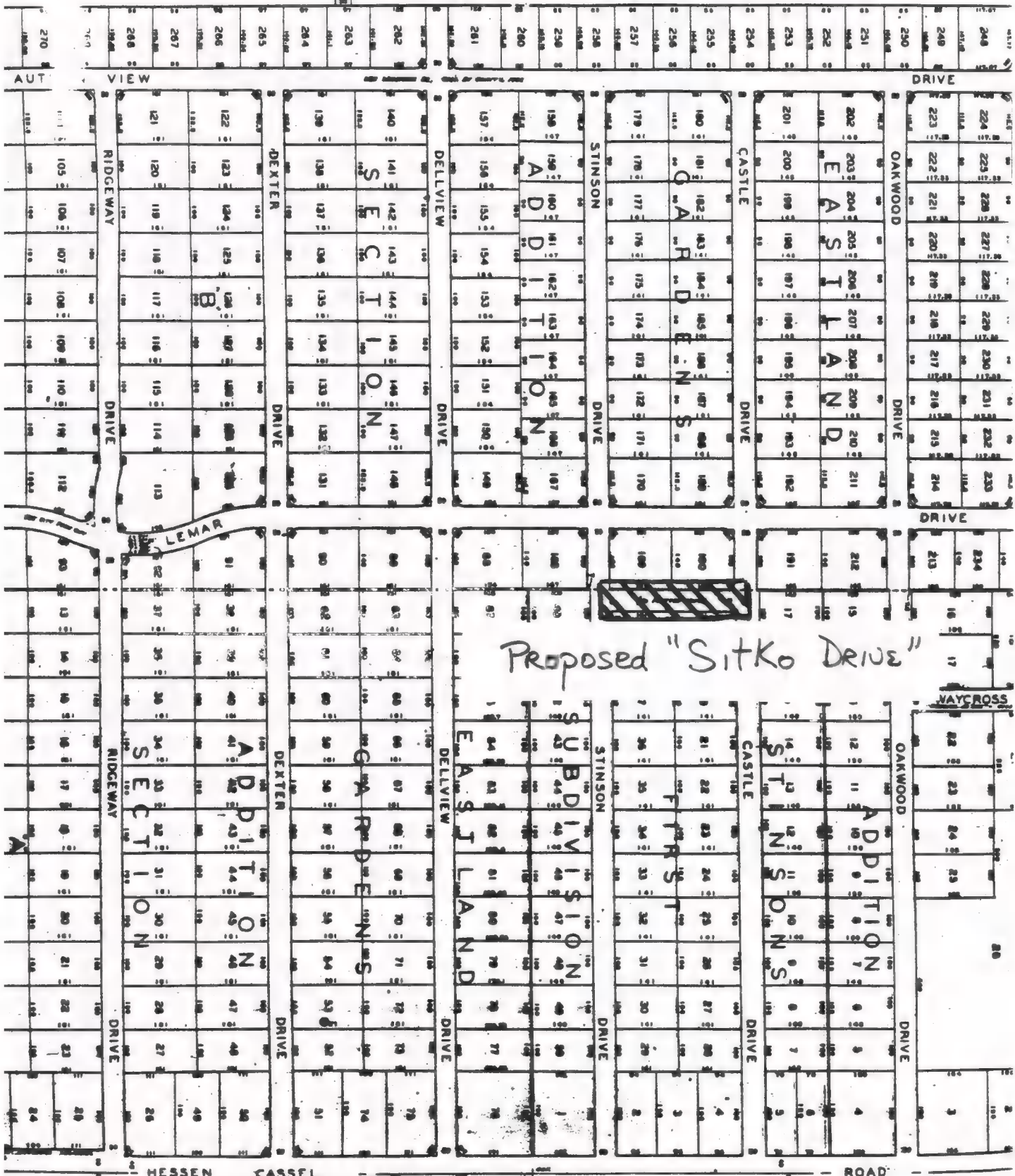
Gary Bactor

Date 1 December 1987

Date

December 10, 1987

Reference or Case Number



Proposed "Sitko Drive"

Petition for the naming of public right-of-way.

Petitioner: Eastland Gardens Neighborhood Association

Location: Between Stinson and Castle, and east of Lamar, in the Eastland Gardens Subdivision.

Zoning: Does Not Apply

Planning Staff Discussion:

In the Eastland Gardens Subdivision, there exists dedicated public right-of-way (a street), that has never been named. The members of the neighborhood association have discussed the matter, and have suggested that this street be named SITKO DRIVE.

Public streets should all carry a distinct name, so that emergency service agencies can locate them with the least possible delay. To the best of our knowledge, the suggested street name does not duplicate any existing street name.

Recommendation: Do Pass

- 1) The importance of street names can not be understated regarding emergency services, and it is in the best interests of all concerned to assign a street name to all public streets.
- 2) SITKO DRIVE appears to be a distinct name, that would not cause confusion with any existing street.
- 3) The suggested name has been chosen by the neighborhood association directly effected by the street in question, and approval would show the Commissions responsiveness to citizen concerns.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

LAND USE MANAGEMENT

Division of Community Development & Planning

11 December 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of right-of-way.

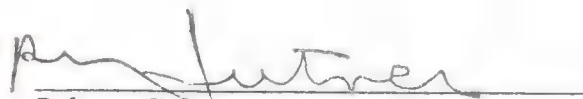
The proposed ordinance is designated as:

BILL NO. G-87-11-20

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
11th day of December 1987.


Robert Hutner
Secretary

FACT SHEET

G-87-11-20

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Alley Vacation Ordinance

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

East-West alley between Calhoun, Butler & Williams and the 1st North-South alley East of Harrison Street.

Reason for Project

For future expansion of adjacent property owners business.

Discussion (Including relationship to other Council actions)

16 November 1987 - Public Hearing

William Troutner, petitioner, stated that his business sets adjacent to the alley and that he also owns the property on the other side of the alley. He wanted to vacate the alley so that sometime in the future in order to enlarge the business and build on the south side of the alley. He stated that vacating the alley would enhance the business and tie the properties together. He stated that they are the only ones that use the alley for access.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

William Troutner

City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

23 November 1987 - Business Meeting

Motion to return the ordinance to the Common Council with a DO PASS recommendation was made and motion carried.

Of the nine (9) members present 8 voted in favor of the requested vacation one (1) did not vote.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 6 October 1987

Projected Completion or Occupancy

Date 1 December 1987

Fact Sheet Prepared by

Date 1 December 1987

Patricia Biancaniello

Reviewed by

Date

Reference or Case Number

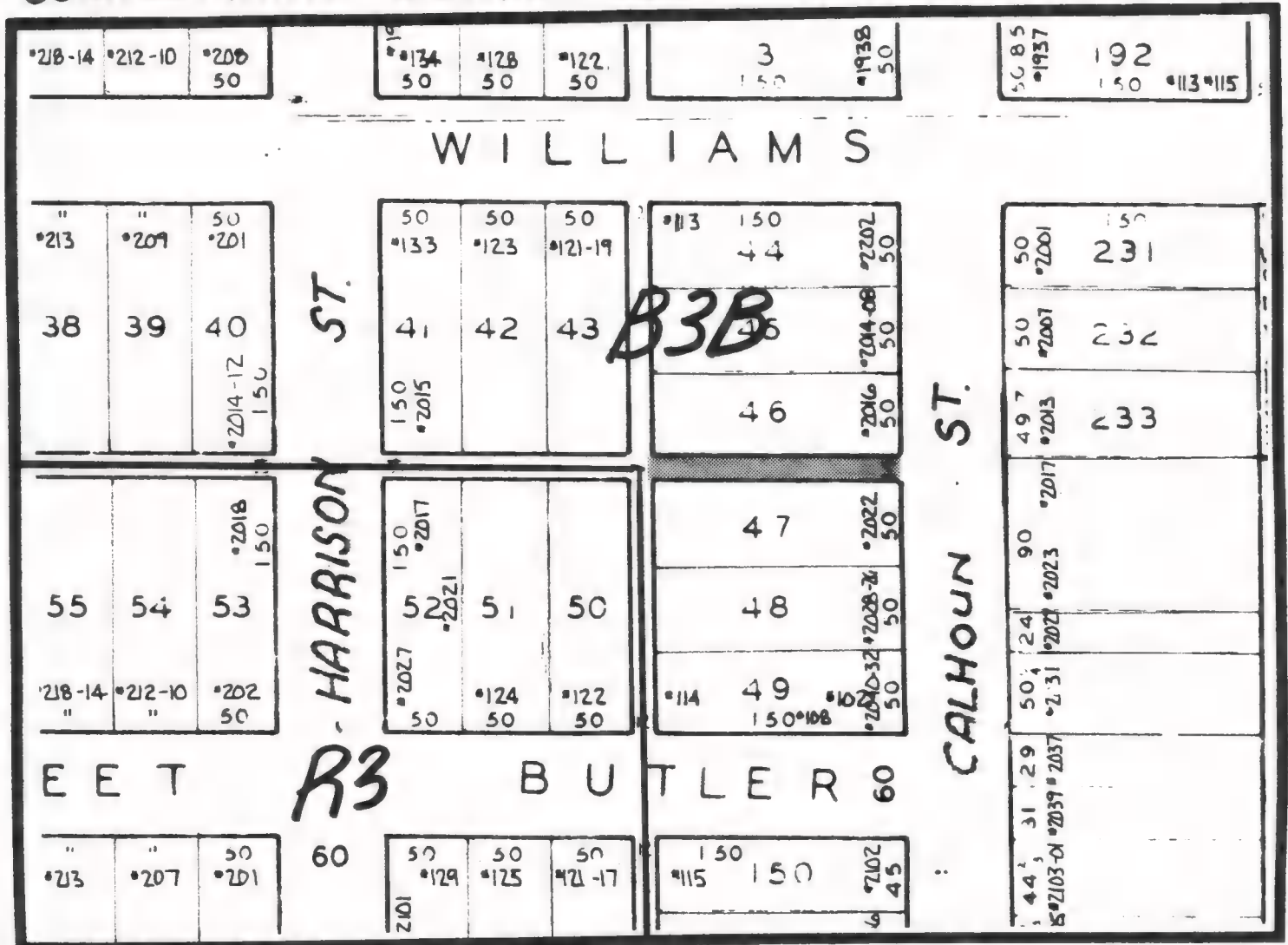
14 December 1987

VACATION PETITION

A PETITION TO VACATE THE DESCRIBED PUBLIC ALLEY.

MAP NO. M-6

COUNCILMANIC DISTRICT NO. 1



ZONING:

LAND USE:

B3B GENERAL BUSINESS 'B'

R3 RESIDENTIAL DISTRICT

SCALE: 1"=100'

DATE: 11.1.87



C.W. and Shirley Ann Troutner request a vacation of a portion of a public right-of-way.

Location: A portion of the first east-west alley south of Williams Street, and west of Calhoun Street.

Legal: See file

Land Area: Approximately 2100 Square Feet.

Zoning: Does Not Apply

Surroundings: The immediate area is zoned B-3-B.

Reason for Request: Not stated.

Neighborhood Assoc.: Hoagland-Masterson

Neighborhood Plan: This area is in the defined Hoagland-Masterson Neighborhood Strategy Area. The plan's land use recommendation is to "Stabilize the existing mix and density of land uses and prevent the encroachment of commercial and industrial land uses into residential areas.

Comprehensive Plan: No Comment

Landscape: No Comment Received

Planning Staff Discussion:

The petitioners state that this portion of the alley is not necessary to ingress or egress, and that it is an unimproved alley.

It would not appear that this portion of the alley is necessary to continued growth, nor that its vacation would adversely impact the area. The only properties that apparently use this alley for access are the petitioners.

If the petitioners will provide for utility easements or relocations as needed, we would have no objection to the petition.

Recommendation: Do Pass, contingent upon the petitioner providing utility easements or relocations as needed.

- 1) Approval would not adversely impact the adjoining properties.
- 2) Approval may be in the best interest of the City, by adding to its tax base.

RESOLUTION 77-200-3

WHEREAS, C.W. AND SHIRLEY ANN TROUTNER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley in Fort Wayne, Allen County, to-wit:

That fourteen (14) foot concrete alley lying between Lots Number 46 and 47 in Williams Addition to the City of Fort Wayne.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Baron R. Biedenhuey, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held December 9, 1987 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 9th DAY OF December 1987

FORT WAYNE BOARD OF PUBLIC WORKS

Baron R. Biedenweg
Director of Public Works

Cosette R. Simon
Director of Administration & Finance

RESOLUTION

WHEREAS, C.W. AND SHIRLEY TROUTNER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley in Fort Wayne, Allen County, to-wit:

That fourteen (14) foot concrete alley lying between Lots Number 46 and 47 in Williams Addition to the City of Fort Wayne.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on November 16, 1987 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said alley.

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said alley in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held November 23, 1987, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 11 DAY OF December 1987

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner, Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

LAND USE MANAGEMENT

Division of Community Development & Planning

11 December 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of utility easement.

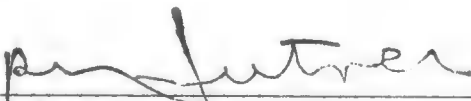
The proposed ordinance is designated as:

BILL NO. G-87-11-21

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
11th day of December 1987.



Robert Hutner
Secretary

FACT SHEET

G-87-11-21

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Utility Easement Vacation

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

East/West easement south of Southview Ave,
and east of the vacated Monroe Street.

Reason for Project

A portion of an existing building now
encroaches into easement.

Discussion (Including relationship to other Council actions)

16 November 1987 - Public Hearing

Ken Tinkel, petitioner appeared before the Commission. Mr. Tinkel stated that this easement is adjacent to his business at 609 Southview. He stated that there are three buildings on the property and that presently one of the existing structures encroaches into the easement. He stated that they want to add onto two of the structures and make them connecting to this addition. He stated that there are no utilities in the easement and the only lines involved are overhead. He stated that there building would not be high enough to interfere with the lines.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**Applicant(s)
Kenneth Tinkel

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

23 November 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.

Of the nine (9) members present 8 voted in favor of the motion one (1) did not vote.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 22 September 1987

Projected Completion or Occupancy

Date 1 December 1987

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Date 1 December 1987

Date 14 December, 1987

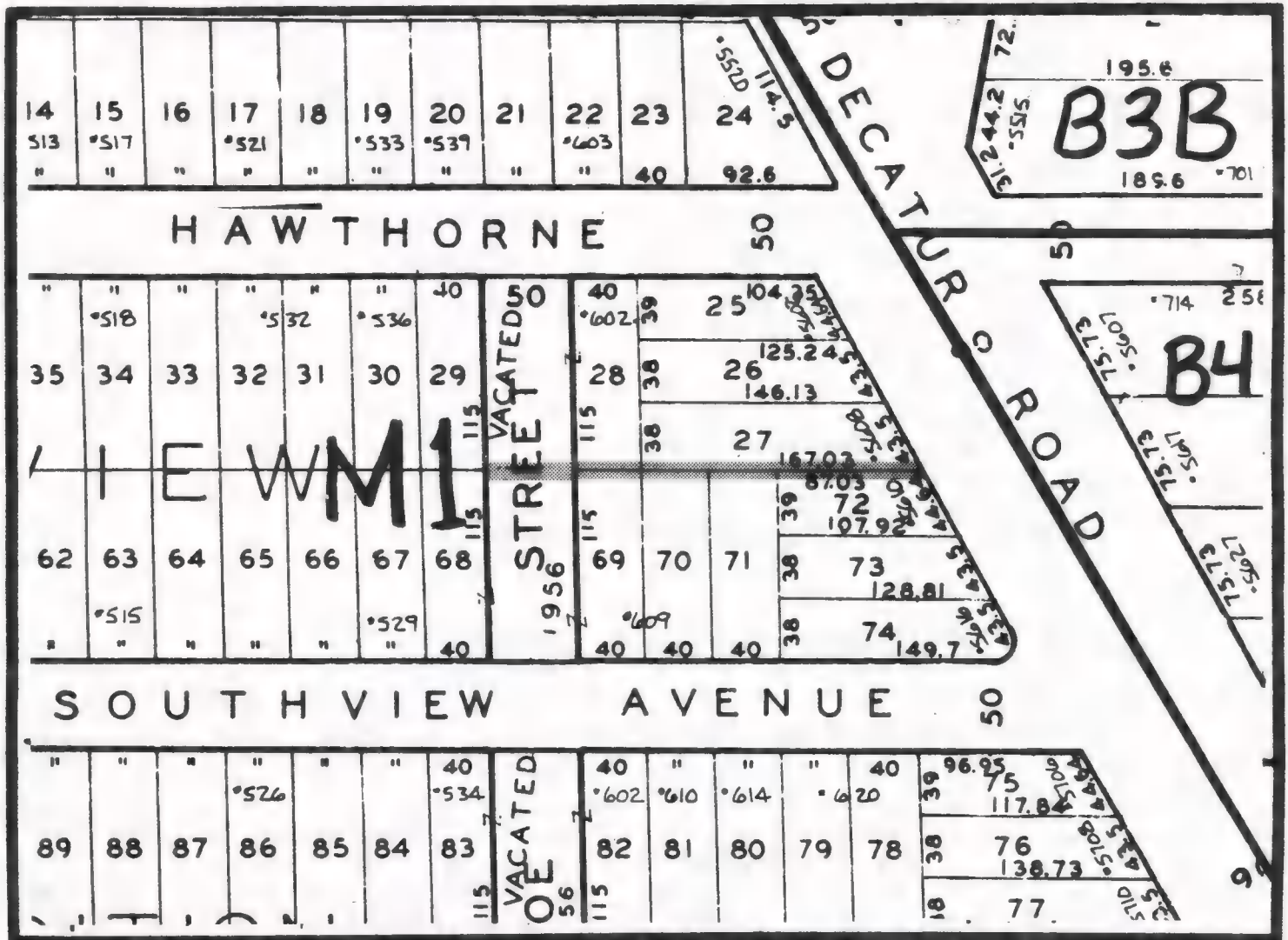
Reference or Case Number

VACATION PETITION #313

A PETITION TO VACATE THE DESCRIBED PUBLIC DEDICATED UTILITY EASEMENT.

MAP NO. N-19

COUNCILMANIC DISTRICT NO. 5



ZONING:

LAND USE:

MI LIGHT INDUSTRY
B3B GENERAL BUSINESS 'B'
B4 ROADSIDE BUSINESS

SCALE: 1"=100'

DATE: 11-1-87



Kenneth Tinkel, Pete Kaplanis, Carolyn McClellan et al, request a vacation of a utility easement.

Location: In Southview Addition, the east-west easement south of Southview Ave., and east off of the vacated Monroe Street.

Legal: See file

Land Area: Approximately 0.06 Acres

Zoning: Does Not Apply

Surroundings: The immediate area is zoned M-1.

Reason for Request: A portion of an existing building now encroaches this easement.

Neighborhood Assoc.: None

Neighborhood Plan: No Comment

Comprehensive Plan: No Comment

Landscape: No Comment Received

Planning Staff Discussion:

The petitioners state that they are the only owners of real estate bordering this easement, and that no other person, firm, or corporation is interested in or affected by this petition.

While we agree that no other property owner would apparently be impacted by this petition, we do feel that certain utilities would. The easement currently holds a line of utility poles that appear to be used by outside utilities. If the petitioners can provide for relocation of, or new easements for, any existing utility, then we would have no objection to the petition.

Recommendation: Do Pass, contingent upon the petitioners providing utility easements or relocations, as needed.

1) Approval will not prevent ingress or egress to any adjoining property.

2) Approval will not have an adverse impact on the immediate area.

RESOLUTION 77-200-2

WHEREAS, PETE KAPLANIS, ANTHONY HANCHAR, CAROLYN MCCLELLAN, EDWARD TINKEL AND KENNETH TINKEL have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement in Fort Wayne, Allen County, to-wit:

An easement in Southview Addition to the City of Fort Wayne, Indiana and more particularly described as follows:

An 8 foot wide easement being 4 feet either side of the following described centerline: Beginning at the southeast corner of Lot #27 in said addition; thence westerly along the south line of Lots #27 and #28 and continuing westerly to the southeast corner of Lot #29 in said addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

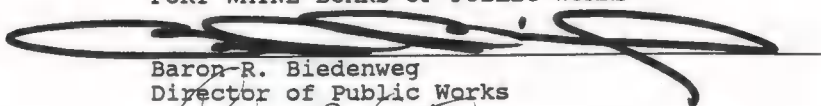
) SS:

COUNTY OF ALLEN)

I, BARON R. BIEDENWEG, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held December 9, 1987 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 9th DAY OF December 1987

FORT WAYNE BOARD OF PUBLIC WORKS


Baron R. Biedenweg
Director of Public Works


Cosette R. Simon
Director of Administration & Finance

An easement in Southview Addition to the City of Fort Wayne,
Indiana and more particularly described as follows:

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, said public hearing was held on November 16, 1987 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held November 23, 1987, and as the same appears of record in the official records of said Plan Commission.

FORT WAYNE CITY PLAN COMMISSION

Robert Hutter, Secretary



The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

2 December 1987

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one
(1) ordinance concerning the vacation of an alley.

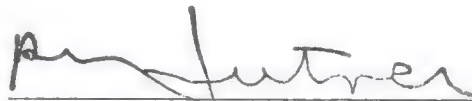
The proposed ordinance is designated as:

BILL NO. G-87-10-12

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
2nd day of December 1987.


Robert Hutner
Secretary

FACT SHEET

G-87-10-12

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Alley Vacation Ordinance

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

1st N/S alley W of Van Buren, between Main & the 1st E/W alley South of Main. 1st E/W alley South of Main between Van Buren & Jackson.

Reason for Project

Employee parking for St. Joseph Medical Center.

Discussion (Including relationship to other Council actions)

19 October 1987 - Public Hearing

Ron Menze, architect with Archonics, agent for St. Joseph Medical Center stated that the existing property is now a parking lot for employee parking and they hope to improve and increase the parking and alleviate some of the on-street parking in the area by vacating these alleys.

Mel Smith questioned if there were any utilities in the alleys.

Mr. Menze stated that there are and that they are willing to grant easements for the utilities.

Baron Biedenweg questioned if they owned Lots 1 thru 5.

Mr. Menze stated he was not aware of the exact lot numbers but that the Medical Center owned the entire block including the Lassus Gas Station.

There was no one else who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

St. Joseph Medical Center
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

26 October 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 15 September 1987

Projected Completion or Occupancy

Date 2 December 1987

Fact Sheet Prepared by

Date 2 December 1987

Patricia Biancaniello

Reviewed by

Date

December 10, 1987

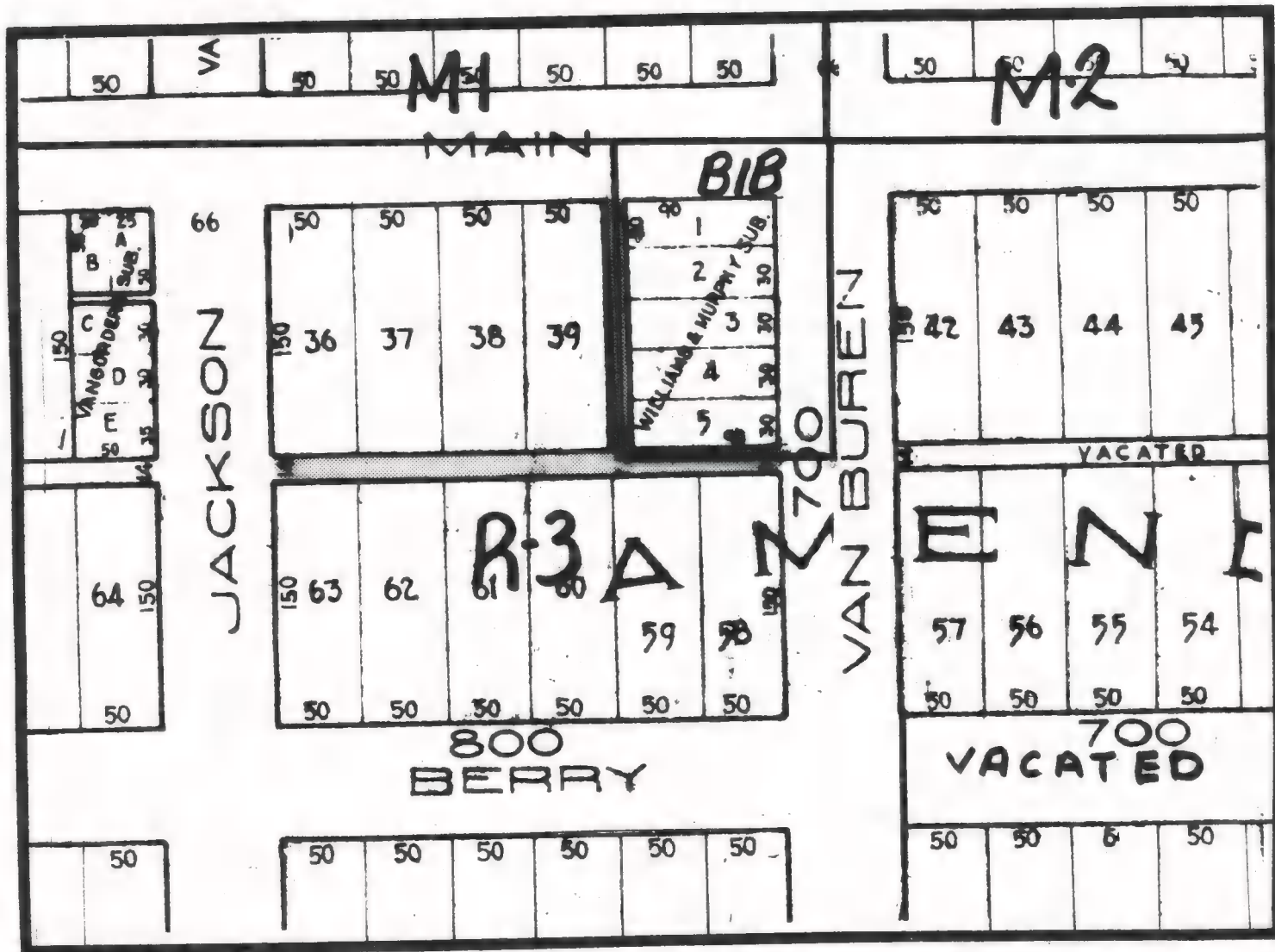
Reference or Case Number

VACATION PETITION 307

A PETITION TO AMEND THE DESCRIBED ALLEY.

MAP NO. L-6

COUNCILMANIC DISTRICT NO. 4



ZONING:

LAND USE:

- MI LIGHT INDUSTRY
- M2 GENERAL INDUSTRY
- BIB LIMITED BUSINESS 'B'
- R-3 RESIDENTIAL DISTRICT

SCALE: 1"=100'

DATE: 10-5-87



Ronald Menze, agent for St. Joseph Medical Center, requests a vacation of two alleys.

Location: 800 Block of Main Street

Legal: See file

Land Area: Approximately 630 Square Feet

Zoning: Does Not Apply

Surroundings: To the West and South are R-3 zoned parking lots, and the East and North is a B-1-B zoned filling station.

Reason for Request: Not stated

Neighborhood Assoc.: West Central

Comprehensive Plan: No Comment

Neighborhood Plan: The West Central Neighborhood Plan makes no reference to vacations, and because no zoning or land use change is involved, no other portion of the plan would provide a basis for either approval or denial of the petition.

Landscape: No Comment

Planning Staff Discussion:

This area is predominately used by the hospital for vehicle parking. There is an existing filling station located on the southwest corner of Main and Van Buren streets.

The petitioners state that they are the only owners of property bordering on either side of the alley, and the alley is no longer necessary for ingress or egress to any other property.

It would appear that no one else will be impacted by vacation, and approval may in fact be in the best interest of the City of Fort Wayne.

Recommendation: Do Pass, contingent upon the petitioner providing utility easements as needed.

- 1) Approval will not affect any other property.
- 2) Approval will not hinder the continued growth of the City.
- 3) Approval will be in the best interest of the City, as it will eliminate maintenance concerns, and will add to the tax base.

RESOLUTION

WHEREAS, ST. JOSEPH MEDICAL CENTER, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley situated in Fort Wayne, Allen County, to-wit:

The first North-South alley West of Van Buren Street, between Main Street and the first East-West alley South of Main Street, in the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot #1 in Williams and Murphy's Addition to the City of Fort Wayne, Indiana; thence Southeasterly, on and along the West line of Lot # 1, 2, 3, 4 and 5 in said Addition, a distance of 150.03 feet to the Southwest corner of said Lot #5; thence Southwesterly, on and along the Westerly projection of the South line of said Lot #5, a distance of 10.0 feet to the Southeast corner of Lot #39 in Rockhills First Amended Addition to the City of Fort Wayne, Indiana; thence Northwesterly, on and along the East line of said Lot #39, a distance of 150.03 feet to the Northeast corner of said Lot #39, being a point on the South right-of-way line of Main Street; thence Northeasterly, on and along said South right-of-way line, a distance of 10.0 feet to the point of beginning.

The first East-West alley South of Main Street, between Van Buren and Jackson Street in the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot #63 in Rockhills First Amended Addition to the City of Fort Wayne, Indiana; thence Northeasterly, on and along the North line of Lots #63, #62, #61, #60, #59 and #52 in said Rockhills First Amended Addition, a distance of 300.1 feet to the Northeast corner of said Lot #58, being a point on the West right-of-way line of Van Buren Street; thence Northwesterly, along said West right-of-way line, a distance of 14.0 feet to the Southeast corner of Lot #5 in Williams and Murphy's Addition to the City of Fort Wayne, Indiana; thence Southwesterly, on and along the South line of said Lot #5 and the Westerly projection thereof and on along the South line of lots #39, #38, #37 and #36 in said Rockhills First Amended Addition, a distance of 300.1 feet to the Southwest corner of said Lot #36, being a point on the East right-of-way line of Jackson Street; thence Southeasterly, on and along the East right-of-way line of Jackson Street, a distance of 14.0 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 19, 1987, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said public alley in Allen County, Indiana.

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 36 Oct 1967, and as the same appears of record in the official records of said Plan Commission.

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner, Secretary

RESOLUTION 77-192-2

WHEREAS, ST. JOSEPH MEDICAL CENTER, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following a public alley in Fort Wayne, Allen County, to-wit:

The first North-South alley West of Van Buren Street, between Main Street and the first East-West alley South of Main Street, in the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot #1 in Williams and Murphy's Addition to the City of Fort Wayne, Indiana; thence Southeasterly, on and along the West line of Lot # 1, 2, 3, 4 and 5 in said Addition, a distance of 150.03 feet to the Southwest corner of said Lot #5; thence Southwesterly, on and along the Westerly projection of the South line of said Lot #5, a distance of 10.0 feet to the Southeast corner of Lot #39 in Rockhills First Amended Addition to the City of Fort Wayne, Indiana; thence Northwesterly, on and along the East line of said Lot #39, a distance of 150.03 feet to the Northeast corner of said Lot #39, being a point on the South right-of-way line of Main Street; thence Northeasterly, on and along said South right-of-way line, a distance of 10.0 feet to the point of beginning.

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

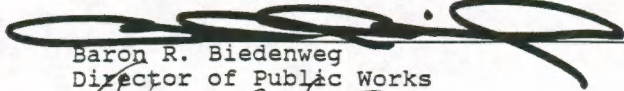
BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

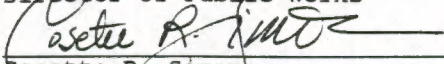
STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Baron R. Biedenweg, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held November 18, 1987 and as same appears of record in the official records of the Board of Public Works

DATED THIS 18 DAY OF November 1987

FORT WAYNE BOARD OF PUBLIC WORKS


Baron R. Biedenweg
Director of Public Works


Cosette R. Simon
Director of Administration & Finance

Gregory A. Purcell, Director of Division of
Community Development & Planning